

Town of Mashpee

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Planning Board Minutes 06-18-2014

Mashpee Planning Board Minutes of Meeting

June 18, 2014 at 7:00 p.m.

Waquoit Meeting Room, Mashpee Town Hall

Approved 4-0-1 on 7/2/14

Planning Board Members Present: Chairman George Petersen, Mary Waygan, Dennis Balzarini, Joe Cummings

Also Present: Tom Fudala-Town Planner, Charles Rowley-Consultant Engineer

Absent: David Kooharian

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Waquoit Meeting Room at Mashpee Town Hall by Chairman Petersen at 7:00 p.m. on Wednesday, June 18, 2014 and the Pledge of Allegiance was recited.

SPECIAL PERMIT MODIFICATION

Applicant: Industrial Tower & Wireless, LLC

Location: 54 Echo Road

Request: Determination whether or not public hearing will be required for Special Permit Modification regarding addition of 12 ft. antenna to existing cell tower, per Zoning By-law Section 174-24.C.(9)

Chairman Petersen read for the record the request. Mr. Fudala referenced a Cape Cod Commission email suggesting that the request would require a permit modification rather than a mandatory DRI review, allowing the Planning Board to grant a modification prior to the DRI modification. Mr. Fudala further stated that the Board would need to make a determination regarding whether or not a public hearing was necessary, should there be a significant impact to the neighborhood. Ms. Waygan inquired about its proximity to the tower. Mr. Fudala responded that it was half way down Echo Road.

MOTION: Mr. Balzarini made a motion that a public hearing was not needed. Ms. Waygan seconded the motion. All voted unanimously.

-Mr. Fudala reported that the applicant requested a waiver for the \$300 review and inspection fee, typically required should Mr. Rowley be needed to review plans or provide an inspection. The \$500 application fee was paid.

MOTION: Ms. Waygan made a motion to waive the \$300 review and inspection fee for this application. Mr. Balzarini seconded the motion. All voted unanimously.

PUBLIC HEARING

Hearing under the provisions of Massachusetts General Laws Chapter 85, Sections 3A and 3B, to consider a proposed change in the name of "Beechwood Point Drive" to "Santuit Pond Way."

The appointed time having arrived, the Chair read for the record the public hearing notice. Mr.

Fudala referenced correspondence to include a letter from resident Frances Wise and email correspondence from 911 Coordinator Clay Nicholson and President of the Beechwood Condo Association, Jim Gardner. Board members reviewed the correspondence provided. Mr. Fudala read for the record Mr. Clayson's letter, on behalf of the Address Working Group, requesting the name change from Beechwood Point Drive to Santuit Pond Way due to another street named Beechwood Drive located on the other side of Santuit Pond. Mr. Fudala stated that a meeting had occurred with residents on April 22, and a decision was made that Beechwood Point Drive would be changed to Santuit Pond Way so that residents could maintain their current building and unit addresses. Mr. Gardner's letter was read for the record by Mr. Fudala.

Mr. Fudala stated that the change was being made for public safety reasons since two similarly named roads, located significantly far from one another, could present a problem with the reporting of an incident. Mr. Fudala noted that, although Beechwood Point Drive was created prior to the building of the condominiums, the condominiums had been addressed in the early 1990's by the Town Clerk as 35 Santuit Pond Road. The addressing was the reason why the entire complex had the same address. The agreement to change the street name to Santuit Pond Way provided residents with the most minimum change while satisfying the Fire Department's need.

Given that the meeting room was again full with residents, Ms. Waygan expressed concern that the process to rename streets was not going well and was not initiated by the Planning Board. Ms. Waygan suggested that residents with concerns could contact the Board of Selectmen with their feedback.

When inquired about the condominium's addressing, resident Larry Kaplan of 1A confirmed the address was 1A Beechwood Point Drive and noted that the address was changed to 35 Santuit Pond Road, confirming that either address worked for mailings. Mr. Fudala confirmed that the official road name was Beechwood Point Drive but the Town Clerk addressed the condominium units as 35 Santuit Pond Road. However, with two Beechwoods in town, emergency responders have expressed concern regarding the potential for error when reporting an emergency. Mr. Fudala pointed out that the change of Beechwood Point Drive to Santuit Pond Way would be similar to the change at Willowbend, changing road to way for a simpler and safer transition. Mr. Fudala also stated that most residents used the 35 Santuit Pond Road address so it made sense to change Beechwood Point Drive rather than Beechwood Drive located across Santuit Pond. Mr. Kaplan expressed concern regarding the expense of making the change which would involve 52 residents. Mr. Fudala confirmed that deed transfers should have already converted the properties to 35 Santuit Pond Road. Mr. Kaplan inquired why it would not be the expense of the town to make the changes, rather than to the residents. Mr. Fudala confirmed that the Town would pay for the street sign.

Ms. Waygan referenced roads with extensions and inquired whether the address could be changed to Santuit Pond Road Extension but resident response indicated that it would still be a name change. Mr. Cummings agreed that the easiest change seemed to be converting the road to Santuit Pond Way.

Rick McGahee, 35 Santuit Pond Road, confirmed that 35 Santuit Pond Road was listed on his deed. Mr. Fudala stated that the legal name of the street was currently Beechwood Point Drive and it was not possible to have two separate roads with the same name of Santuit Pond Road.

Steve Putnam of 10C, and representing the Beechwood Board, reported that Mr. Gardner had made contact with the residents and in the third survey, 58% of the residents agreed to the change to 35 Santuit Pond Way, should a change be necessary. Mr. Putnam confirmed that there were 52 condominium units.

Jennifer Jackman, 7D, confirmed that there was consensus to change Beechwood Point Drive and reiterated the residents' appreciation for compromise with the Town and recognition of the residents' desires to maintain their Santuit identity. Ms. Jackman confirmed that there was reduced participation in the final survey and noted that all residents would prefer to keep their address as 35 Santuit Pond Road, since there would not be a big difference in locating the units. Mr. Balzarini recommended maintaining the street name but adding the unit number as part of the address to assist with location. Mr. Fudala responded that Beechwood Point Drive was a separate road from Santuit Pond Road, which required a separate street name. Mr. Fudala also noted that there was confusion between naming a road and addressing. Mr. Fudala noted that the only change in the addressing would be Drive to Way, as agreed to between the residents and the 911 Coordinator. It was suggested that 35 be part of the road name but Mr. Fudala stated that a number could not be part of a street name. Ms. Waygan emphasized the importance of the Address Working Group to be present at the meeting to respond to concerns, emphasizing that only a quarter of the units responded to the third survey.

Edward Seekonk, 10A, a former Chief of Police, agreed with the Beechwood contradiction and recommended that the street be re-named, supporting the change to Santuit Pond Way, a way off of Santuit Pond Road.

Mr. Putnam inquired about usage of 35 Santuit Pond Way as acceptable and Mr. Fudala confirmed that it would be used as the address but that the road could not be named 35 Santuit Pond Road. There was further discussion to clarify the confusion between addressing and naming a road. Ms. Waygan saw no state regulations that would not allow the street name to include 35. Mr. Fudala stated that the subdivision road required its own street name. Ms. Waygan inquired again about the number of respondents and Ms. Jackman responded that 25 people responded to the survey with 14 agreeing to the change if necessary, 7 who did not support the compromise and 4 who did not take a position.

The Chair asked for Mr. Rowley's opinion. Mr. Rowley stated that the condominium was one large lot with 35 assigned to the one lot, related to Santuit Pond Road. Regarding changing the deeds, it was confirmed that the land was registered as a quick claim, and Mr. Rowley suspected that the only time the name would need to be changed would be in the case of a deed transfer, but suggested following up to confirm. Ms. Jackman stated that the Working Group agreed to maintain the address as 35 Santuit Pond Way to avoid incurring additional expenses. Mr. Fudala noted that the Planning Board was not responsible for numbering, which was determined by the 911 Coordinator. Ms. Waygan recommended that concerned residents contact the Selectmen.

Frances Wise inquired about changing the road from Beechwood Point to Santuit Pond Way, and why it could not be changed to 35 Santuit Pond Road. Mr. Fudala responded that there was already a road named Santuit Pond Road and Beechwood Point Drive

was a separate road. Mr. Fudala further explained that emergency responders agreed to Santuit Pond Way because it was in close proximity of Santuit Pond Road. Mr. Fudala emphasized that the street name presented a dispatch/communication public safety concern.

Ms. Jackman inquired whether the road could be changed to Santuit Pond Way while continuing to use 35 Santuit Pond Road as an address. Mr. Fudala responded that the Planning Board was not responsible for addressing. Ms. Waygan referenced Mr. Nicholson's letter which stated that the "parcel would be given a 35 Santuit Pond Way address." Mr. Fudala stated that the only role of the Planning Board was to change the street name.

The Chair inquired about the opinions of the Planning Board members, three of whom would support renaming Beechwood Point Drive to Santuit Pond Way. Chairman Petersen inquired whether the residents would support selecting a future date in order for the change to be in effect. Mr. Putnam responded with a date at the beginning of the next year. Ms. Waygan stated that the residents should have time to confirm their address with the Address Working Group, since they wished to use 35 Santuit Pond Road as their address. The Chair recommended speaking also with residents who did not respond to the latest survey. Mr. Fudala stated that Mr. Mayo requested an effective date of 4 weeks from the Planning Board's vote. Mr. Fudala added that all utilities would be notified by the Town. There was discussion about continuing the hearing. Mr. Balzarini stated that the Planning Board was responsible for changing the street name and the address had to be discussed with Mr. Nicholson. Mr. Balzarini wished to respond to the concerns expressed by the Address Working Group and requested to take the vote. Ms. Waygan requested that the vote be delayed until the residents spoke with Mr. Nicholson. Mr. Putnam agreed about the need to remove Beechwood Point Drive but expressed interest in discussing with Mr. Nicholson the possibility of maintaining the 35 Santuit Pond Road address.

MOTION: Mr. Balzarini made a motion to change the street from Beechwood Point Drive to Santuit Pond Way. Mr. Cummings seconded the motion.

Ms. Waygan requested that the Board postpone the vote to allow the residents to speak with Mr. Nicholson. The Chair did not see that a conversation with Mr. Nicholson would change the vote for the Board. Mr. Putnam reported that Mr. Nicholson confirmed that the compromise would be 35 Santuit Pond Way. Mr. Cummings referenced Mr. Nicholson's letter requesting the Planning Board's "approval of the street name of Santuit Pond Way." The Chair asked for the vote.

Alan Wake, 34D, recognized that the change was due to the potential of something happening, but suggested that there was no foundation for the confusion. Mr. Wake added that the CAD system should allow the input of any necessary information to clarify the location.

The Chair responded that the Address Working Group requested the need to change Beechwood Point Drive to Santuit Pond Way. Mr. Balzarini rescinded his motion as it was necessary to first close the hearing. The Chair emphasized that the responsibility of the Planning Board was to eliminate Beechwood Point Drive in order to comply with the Address Working Group.

Mr. Wake suggested that there could be numerous discrepancies and the change would be needed as a postal address change as well. Mr. Wake wished to maintain the 35 Santuit Pond Road address and questioned how dispatch could make a mistake. The Chair questioned neighbors' concerns regarding the street name change if they did not already use Beechwood Point Drive for addressing. Mr. Fudala stated that the existing name was Beechwood Point Drive and Mr. Balzarini stated that two streets could not have the same name. Mr. Balzarini emphasized that the Planning Board needed to change the street name because it was a safety issue. Mr. Fudala stated that the residents would need to discuss the addressing with Mr. Nicholson.

Terry Toosi, 6A, reported that she had contacted the Fire Department on behalf of her neighbors on several occasions, and never had an issue, but now wants to know the defined address for future needs. Mr. Balzarini stated that the road would be Santuit Pond Way, but that addressing could be discussed with the Address Working Group.

MOTION: Mr. Balzarini made a motion to close the public hearing. Mr. Cummings seconded the motion. 3 voted yes; 1 voted no

MOTION: Mr. Balzarini made a motion to change the name from Beechwood Point Drive to Santuit Pond Way. Mr. Cummings seconded the motion. 3 voted yes; 1 voted no

Ms. Waygan stated that she was voting no because she had seen no evidence that similarly named roads had caused an emergency misdirection and that it was a private road and residents had a right to name the road in the way that they wished.

MOTION: Mr. Balzarini made a motion to amend the prior motion that the date of the name change would occur on

September 1. Mr. Cummings seconded the motion. 3 voted yes, 1 abstained

The meeting recessed at 8:35 p.m. and reconvened at 8:38 p.m.

APPROVAL OF MINUTES—June 4, 2014

MOTION: Ms. Waygan made a motion to approve as slightly amended on page 6 with the name correction. Mr. Balzarini seconded the motion. All voted unanimously.

BOARD ITEMS

New Business

OSID Bylaw-Mr. Fudala stated that small changes were made, but focused on the same content. Mr. Fudala explained that the existing bylaw counted residential units and bedrooms, creating problems for the user by restricting the number of residential units with bedrooms that could not be used. It had been proposed to eliminate the residential unit count and use bedrooms as the currency in the transfer situation. There was discussion regarding the calculations and multipliers. The Chair inquired about lot size limits and Mr. Fudala responded that it would result in a higher density. Mr. Fudala stated that the bylaw required a minimum of 50% open space. Mr. Fudala recommended a vote at the next meeting to add the bylaw amendments to the October Warrant.

Most of the changes consisted of the change from residential units to bedrooms, reference to Water Commission and Sewer Commission and the Natural Resources Conservation Services name change. Ms. Waygan inquired about the ratios of residential units to bedrooms and suggested that it was not consistent throughout the document but Mr. Fudala indicated that some of the conversions involved accessory units. He also stated that residential units were the equivalent of 2.2 bedrooms for a single family home. The Chair requested that all comments be forwarded to Mr. Fudala with plans to vote on the amendments at the next meeting.

Cluster Subdivision Bylaw-Ms. Waygan emailed Yarmouth's bylaw regarding Section 412 Affordable Housing. Ms. Waygan expressed interest in modifying #5 for Mashpee's use, regarding open space in exchange for an affordable housing unit and bonus unit. Ms. Waygan recommended that, rather than defaulting an affordable unit to open space in 3 years, a schedule be established so that the affordable unit must be constructed at a specific time in the building schedule. Mr. Fudala suggested that it created an incentive for the developer to provide the unit but Ms. Waygan preferred a schedule to require the affordable housing unit to come online. Ms. Waygan will work on the issue with Mr. Fudala.

C. Rowley Expense Vouchers-No invoices at this time. Mr. Fudala confirmed that funds had been transferred to the Planning Board account.

Old Business

Environmental Oversight Committee-The Chair reported that the final draft of the nitrogen control bylaw was now available and the Committee asked to be placed on the Board of Selectmen's meeting agenda. Details have been worked out with the Cape Cod Commission and the Conservation Commission. Mr. Fudala emphasized that the bylaw would need to be passed before the end of the year. The Chair indicated that the bylaw modeled Falmouth's approved bylaw and agreed to forward it to Mr. Fudala for distribution to the Board. In addition, the EOC meeting has been moved to the third Tuesday to allow a new member to join the committee.

Charter Review-Ms. Waygan reported that the proposed Town Meeting Warrant Charter Amendments would be discussed at a Public Hearing on Monday, June 23rd at 6:30 p.m. at Town Hall. Among the articles would be a possible emailing of the warrant, Town Clerk appointment in place of election, no less than 50 signatures needed for recall elections, Town Moderator or designee responsible for minutes, review of the bylaws once every 10 years, clarification of the responsibility of maintaining meeting minutes and requiring roll call votes and increase the Candidate Review Committee for Town Manager to 7 members.

Design Review Committee-Mr. Cummings reported that Mashpee Commons discussed their Sunday Farmer Market located at the Fountain Plaza with 8 vendors. Additionally, there was discussion regarding a 9,960 square foot warehouse to be located at 58/56 Echo Road. The Fire Department expressed concern regarding the layout on the lot and need for access to the entire building.

Discussion of Greenways Proposal and Surrounding Commercial Property-No update

MMR Military Civilian Community Council-Update of MMR Joint Land Use

Study-No update

Community Preservation Committee-No update

Historic District Commission-Mr. Fudala reported that plans were expected for a shed addition to the schoolhouse.

CORRESPONDENCE

- WhiteWater, Inc. – April, 2014 SouthCape Village WWTP discharge monitoring report N=7.5
- Waterways License application – Robert & Heather Shanahan, 72 Spoon drift Way, maintain existing pier, ramp & float, add float in Popponesset Creek
- Waterways License application – Thomas S. Gary, 404 Monomoscoy Road, maintain an existing stairway, pier, ramp and float in

Great River

- Waterways License application – Mary T Petersen, 11 Compass Circle, maintain an existing stairway, piers, ramp and floats in Popponesset Creek

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Ms. Waygan seconded the motion. All voted unanimously. The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Jonathon Idman Email Regarding Echo Road Wireless Tower Modification
- Application for Special Permit Modification for DODCOMM, Inc.
- Plans for DODCOMM, Inc.
- DODCOMM, Inc. Request for Fee Waiver
- Federal Regulations for Wireless Siting
- Frances Wise Letter Regarding Beechwood Point Drive
- Jim Gardner Email Regarding Beechwood Point Drive
- Clay Nicholson Memo Regarding Beechwood Point Drive
- Open Space Incentive Development
- Mary Waygan Email Regarding Cluster Subdivision Bylaw Amendment
- October 2014 Town Meeting Zoning Bylaw Articles
- Charter Amendments Proposed Town Meeting Warrant Articles